

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT E. FOSTER,)	
)	CASE NO. 1:12cv461
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
BARRY GOODRICH, <i>Warden</i> ,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> [Regarding ECF No. 9]

On May 15, 2013 Magistrate Judge James R. Knepp, II issued a Report recommending that Petitioner's petition for a writ of habeas corpus pursuant to [28 U.S.C. § 2254](#) be dismissed with prejudice. [ECF No. 9](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a report and recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a report and recommendation within fourteen days of service. [Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt a magistrate judges report without review. See [Thomas](#), 474 U.S. at 149.

In the instant case, objections to the Report were due by May 29, 2013. Petitioner has not filed an objection. The Court finds that the Report is supported by the record, and agrees with the magistrate judge's recommendation.

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Accordingly, the Court adopts the magistrate judge's Report and Recommendation. [ECF No. 9](#). Petitioner's petition is dismissed with prejudice. The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

June 19, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge